

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

|  |   |
|--|---|
| SECURITIES AND EXCHANGE                    | ) |
| COMMISSION,                                | ) |
|  | ) |
| Plaintiff,                                 | ) |
| v.   | ) |
| McGINN, SMITH & CO., INC., <i>et al.</i> , | ) |
|  | ) |
| Defendants.                                | ) |
| _____                                      | ) |

No. 1:10-cv-00457-GLS-CFH

**MOTION FOR ADMISSION  
PRO HAC VICE**

Pursuant to Rule 83.1 of the Local Rules of the United States District Court for the Northern District of New York, I, Alan E. Rothman, hereby move this court for an Order for the admission of Bryan M. Westhoff (“Petitioner”) to practice *pro hac vice* to appear as counsel for Stephen Fowler in the above-captioned action. This motion is supported by the attached Affidavit of Sponsor and Applicant’s accompanying Proposed Order, Petition for Admission to Practice, Attorney E-Filing Registration Form, Oath of Admission and Certificate of Good Standing.

Furthermore, Petitioner is in good standing of the bar of the State of Illinois and there are no pending disciplinary proceedings against him in any state or federal court.

Dated: January 14, 2016

Respectfully submitted,

By: /s/ Alan E. Rothman  
Alan E. Rothman  
KAYE SCHOLER LLP  
250 W. 55th Street  
New York, NY 10019-9710  
Telephone: (212) 836-8860  
Facsimile: (212) 836-6660  
Email: alan.rothman@kayescholer.com

-and-

Bryan M. Westhoff  
KAYE SCHOLER LLP  
Three First National Plaza  
70 West Madison Street  
Suite 4200  
Chicago, IL 60602-4231  
Telephone: (312) 583-2454  
Facsimile: (312) 583-2360  
Email: bryan.westhoff@kayescholer.com

*Attorneys for Stephen Fowler*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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Petition of : Bryan M. Westhoff

**AFFIDAVIT  
OF  
SPONSOR**

~~~~~

STATE OF NEW YORK New York  
COUNTY OF \_\_\_\_\_

Alan E. Rothman, being duly sworn, depose and say:

1. That I am an attorney associated with the law firm of Kaye Scholer LLP,  
and am a member in good standing with the United States District Court for the Northern District of  
New York. My NYND Bar Roll Number is: 516293.
2. I make this affidavit in support of the admission of Bryan M. Westhoff.
3. I have known Bryan M. Westhoff since 2012,  
and find him / her to be of high moral character and suitable for admission to the United States District  
Court for the Northern District of New York.

~~~~~

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 14, day of January, 2016.

s/ Alan E. Rothman  
\_\_\_\_\_  
**SPONSOR**

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF NEW YORK**

**IN THE MATTER OF THE APPLICATION OF** )  
 )  
 Bryan M. Westhoff )  
 )  
 **TO BE ADMITTED TO THE UNITED STATES** )  
 **DISTRICT COURT FOR THE NORTHERN** )  
 **DISTRICT OF NEW YORK** )

**ORDER**

Upon fulfilling the requirements set forth in Local Rule 83.1 of the Northern District of New York, Bryan M. Westhoff is hereby accepted for

- Permanent Admission to practice in the United States District Court for the Northern District of New York.
- Pro Hac Vice Admission to practice in the United States District Court for the Northern District of New York for the particular case of :  
Securities and Exchange Commission v. McGinn, Smith & Co., Inc., No. 1:10-cv-00457-GLS-CFH.

IT IS SO ORDERED

Dated : \_\_\_\_\_

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U.S. District Judge  
 U.S. Magistrate Judge

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**IN THE MATTER OF THE APPLICATION**

**OF**

**PETITION FOR  
ADMISSION TO PRACTICE**

Bryan M. Westhoff

:  
:  
:  
:  
:

I, Bryan M. Westhoff, being sworn, depose and say:

1. That I reside at 2244 W Berwyn Ave, Chicago, IL 60625 and my office address is 70 W. Madison St., Suite 4200, Chicago, IL 60602.
2. That I was admitted to practice in the courts of the State of Illinois on 11/07/2002, by the Supreme Court of Illinois.
3. That I graduated from Washington University Law School on 2002 after having completed the required courses of study.
4. That I have never been held in contempt of court, censured, suspended or disbarred by any court.<sup>1</sup>
5. That I am also admitted to practice in the following States, territories, districts, commonwealths or other courts of the United States:

| BAR                                                | DATE     |
|----------------------------------------------------|----------|
| U.S. District Court, Northern District of Illinois | 03/13/03 |
| U.S. District Court, Central District of Illinois  | 02/15/12 |
| U. S. Court of Appeals, 7th Circuit                | 10/29/04 |
| U. S. Court of Appeals, 9th Circuit                | 02/20/07 |

6. That I have read, and am familiar with: The Judicial Code (Title 28 U.S.C.); the Federal Rules of Civil Procedure and the Federal Rules of Evidence for the District Courts; the Federal Rules of Criminal Procedure for the District Courts; the Local Rules and General Orders for the Northern District of New York; and the N.Y.S. Rules of Professional Conduct and will faithfully adhere thereto.

**WHEREFORE** it is respectfully requested that this court order that Petitioner,

Bryan M. Westhoff, be admitted to practice before the Bar of this Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 14, day of January, 2016.

  
\_\_\_\_\_  
**PETITIONER**

<sup>1)</sup> Discipline Orders issued by any Court prior to executing this Petition must be attached.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

NEW ATTORNEY E-FILING REGISTRATION FORM  
PLEASE TYPE

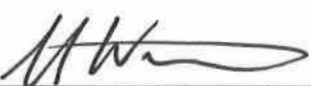
This form is used for creating new accounts (**Newly Admitted Attorneys Only**) on the Court's Electronic Case Filing System(ECF).

First Name: Bryan Middle Name: M.  
 Last Name: Westhoff If appropriate, check one: Sr.  Jr.  II  III   
 Firm Name: Kaye Scholer LLP  
 Firm Address: 70 W. Madison St., Suite 4200  
 \_\_\_\_\_  
 City: Chicago State: IL Zip Code 60602  
 Firm Phone Number: (312) 583-2300 Direct Dial Number: (312) 583-2454  
 Fax Number: (312) 583-2360 Internet E-Mail Address: bryan.westhoff@kayescholer.com

The following information must be completed by attorneys applying for admission and submitted with your petition:

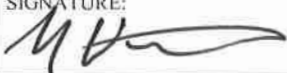
TYPE OF ADMISSION APPLIED FOR:  PERMANENT  PRO-HAC VICE - Case Number Required: 1:10-cv-00457-GLS-CFH

By submitting this printed and signed form, I hereby agree to abide by all Court rules, orders, policies and procedures governing the use of the electronic filing system (CM/ECF). I also consent to service by electronic means in the circumstances permitted under those rules, orders, policies and procedures. I understand that the combination of user i.d. (Bar Roll #) and password will serve as my signature for filing documents pursuant to Rule 11 of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this court. I agree to protect the security of my password and immediately notify the Clerk of Court if I suspect my password has been compromised. Also, as a participating attorney, I will promptly notify the Clerk of Court if there is a change in my personal data, such as name, e-mail address, firm address, telephone number, etc.

Attorney Signature:   
 Date: 01/14/2016

| COURT USE ONLY      |                    |
|---------------------|--------------------|
| Assigned Bar Roll # | _____              |
| Receipt #           | _____              |
| Date of Admission:  | ____ / ____ / ____ |
| Revised: _____      | By: _____          |

AO 153 (Rev. 6/96)

|                                                                                                                                                                                                                                       |                                                                                                 |                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------|
| Name: LAST, <u>Westhoff</u> FIRST <u>Bryan M.</u>                                                                                                                                                                                     |                                                                                                 |                         |
| <b>OATH ON ADMISSION</b>                                                                                                                                                                                                              |                                                                                                 |                         |
| I, <u>Bryan M. Westhoff</u> , DO SOLEMNLY SWEAR (OR AFFIRM) THAT AS AN ATTORNEY AND AS A COUNSELOR OF THIS COURT I WILL CONDUCT MYSELF UPRIGHTLY AND ACCORDING TO LAW, AND THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES. |                                                                                                 |                         |
| DATE:<br>01/14/2016                                                                                                                                                                                                                   | SIGNATURE:<br> | BAR I.D. NO.<br>6278694 |

AO 153 (Rev. 6/96)

|                                                      |                    |                                   |
|------------------------------------------------------|--------------------|-----------------------------------|
| FIRM NAME<br><b>Kaye Scholer LLP</b>                 |                    | TEL. NO.<br><b>(312) 583-2454</b> |
| FIRM ADDRESS<br><b>70 W. Madison St., Suite 4200</b> |                    |                                   |
| CITY<br><b>Chicago</b>                               | STATE<br><b>IL</b> | ZIP CODE<br><b>60602</b>          |
| <b>BELOW FOR OFFICE USE ONLY</b>                     |                    |                                   |
| SWORN AND SUBSCRIBED BEFORE ME,                      |                    | DATE                              |
| ADMITTED ON MOTION OF: (Movant)                      |                    |                                   |

## **Certificate of Admission To the Bar of Illinois**

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

Bryan Michael Westhoff

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 7, 2002 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Wednesday, January 13, 2016.



Clerk